

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 08-0876.01 Thomas Morris

HOUSE BILL 08-1350

HOUSE SPONSORSHIP

Madden,

SENATE SPONSORSHIP

Romer,

House Committees

Transportation & Energy

Senate Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING THE FACILITATION OF THE FINANCING OF RENEWABLE**
102 **ENERGY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Facilitates the financing of renewable energy projects by local governments and the clean energy development authority. Updates the authority's ability to issue bonds for such projects. Authorizes the removal for cause of members of the board of directors of the authority.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 5, 2008

SENATE
Amended 2nd Reading
May 2, 2008

HOUSE
3rd Reading Unamended
April 7, 2008

HOUSE
Amended 2nd Reading
April 4, 2008

1 **SECTION 1.** 40-9.7-102 (2), Colorado Revised Statutes, is
2 amended to read:

3 **40-9.7-102. Legislative declaration.** (2) The general assembly
4 further finds and declares that the purpose of this article is to create the
5 Colorado clean energy development authority and to endow the authority
6 with powers sufficient to enable it to:


7 (a) Facilitate the production and consumption of clean energy; ~~and~~

8 (b) Increase the transmission and use of clean energy by financing
9 and refinancing projects located within or outside the state for the
10 production, transportation, transmission, and storage of clean energy,
11 including pipelines, and related supporting infrastructure and interests
12 therein; AND

13 (c) FACILITATE THE EFFICIENT USE OF ENERGY.

14 **SECTION 2.** 40-9.7-103, Colorado Revised Statutes, is amended
15 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
16 **read:**

17 **40-9.7-103. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 
20 (5.5) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN
21 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY
22 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND INCLUDES
23 ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING AUTHORIZED
24 AS A UTILITY COST-SAVINGS MEASURE BY THE BOARD.

25 (13.5) "RENEWABLE ENERGY IMPROVEMENT" MEANS ANY
26 FIXTURE, PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES
27 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL OR COMMERCIAL

1 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,
2 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR
3 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR
4 GEOTHERMAL SYSTEMS, AS MAY BE AUTHORIZED BY THE BOARD; EXCEPT
5 THAT NO RENEWABLE ENERGY IMPROVEMENT SHALL BE AUTHORIZED THAT
6 INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY UNDER A
7 CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION UNDER
8 ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION SHALL
9 HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO WHETHER
10 A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH A RIGHT.

11 **SECTION 3.** 40-9.7-103 (10), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 **40-9.7-103. Definitions.** As used in this article, unless the context
14 otherwise requires:

15 (10) (c) "PROJECT" ALSO MEANS ANY RENEWABLE ENERGY
16 IMPROVEMENT OR ENERGY EFFICIENCY IMPROVEMENT.

17 **SECTION 4.** 29-3-103 (10) (k) and (10) (l), Colorado Revised
18 Statutes, are amended, and the said 29-3-103 (10) is further amended BY
19 THE ADDITION OF A NEW PARAGRAPH, to read:

20 **29-3-103. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (10) "Project" means any land, building, or other improvement
23 and all real or personal properties, and any undivided or other interest in
24 any of the foregoing, except inventories and raw materials, whether or not
25 in existence, suitable or used for or in connection with any of the
26 following:

27 (k) Research, product-testing, and administrative facilities; and

1 (l) Facilities for private and not-for-profit institutions of higher
2 education; AND

3 (m) CAPITAL IMPROVEMENTS TO EXISTING RESIDENTIAL,
4 COMMERCIAL, OR INDUSTRIAL STRUCTURES TO RETROFIT SUCH
5 STRUCTURES FOR SIGNIFICANT ENERGY SAVINGS OR INSTALLATION OF
6 SOLAR OR OTHER ALTERNATIVE ELECTRICAL ENERGY-PRODUCING
7 IMPROVEMENTS TO SERVE THAT STRUCTURE OR OTHER STRUCTURES ON
8 CONTIGUOUS PROPERTY UNDER COMMON OWNERSHIP.

9 **SECTION 5.** 30-11-107 (1) (ii), Colorado Revised Statutes, is
10 amended, and the said 30-11-107 is further amended BY THE
11 ADDITION OF A NEW PARAGRAPH, to read:

12 **30-11-107. Powers of the board.** (1) The board of county
13 commissioners of each county has power at any meeting:

14 (ii) To provide in the county budget for programs that support
15 education and outreach on environmental sustainability AND FOR
16 FINANCING CAPITAL IMPROVEMENTS FOR ENERGY EFFICIENCY RETROFITS
17 AND THE INSTALLATION OF RENEWABLE ENERGY FIXTURES, AS DEFINED IN
18 SECTION 30-11-107.3, FOR PRIVATE RESIDENCES AND COMMERCIAL
19 PROPERTY within the county but THAT do not exempt the county from the
20 requirements of any other statute.

21 (jj) TO ENCOURAGE HOMEOWNERS TO PARTICIPATE IN UTILITY
22 DEMAND-SIDE MANAGEMENT PROGRAMS WHERE APPLICABLE.

23 **SECTION 6.** 30-11-107.3 (2) (b), Colorado Revised Statutes, is
24 amended to read:

25 **30-11-107.3. Incentives for installation of renewable energy**
26 **fixtures - definitions.** (2) For purposes of this section, unless the
27 context otherwise requires:

1 (b) "Renewable energy fixture" means any fixture, product,
2 system, device, or interacting group of devices INSTALLED BEHIND THE
3 METER OF ANY RESIDENTIAL OR COMMERCIAL BUILDING that produces
4 electricity ENERGY from renewable resources, including, but not limited
5 to, photovoltaic systems, solar thermal systems, small wind systems,
6 biomass systems, or geothermal systems.

7 **SECTION 7.** The introductory portion to 40-9.7-108 (1),
8 Colorado Revised Statutes, is amended to read:

9 **40-9.7-108. Colorado clean energy development authority**
10 **fund - creation - authorization of projects.** (1) The AUTHORITY SHALL
11 CREATE A Colorado clean energy development authority fund ~~is hereby~~
12 ~~created in the state treasury~~ IN A FINANCIAL INSTITUTION WITHIN OR
13 OUTSIDE THE STATE. The following moneys, together with any other
14 moneys appropriated by the general assembly, shall be credited to the
15 fund subject to agreements with the holders of bonds, financing
16 agreements, contracts, agreements, or other obligations of the authority
17 authorized by this article:

18 **SECTION 8.** Part 6 of article 20 of title 30, Colorado Revised
19 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
20 read:

21 **30-20-601.5. Legislative declaration - inclusion of energy**
22 **efficiency and renewable energy production projects in local**
23 **improvement districts.** (1) THE GENERAL ASSEMBLY FINDS,
24 DETERMINES, AND DECLARES THAT:

25 (a) THE PRODUCTION AND EFFICIENT USE OF ENERGY WILL
26 CONTINUE TO PLAY A CENTRAL ROLE IN THE FUTURE OF THIS STATE AND
27 THE NATION AS A WHOLE; AND

1 (b) THE DEVELOPMENT, PRODUCTION, AND EFFICIENT USE OF
2 RENEWABLE ENERGY WILL ADVANCE THE SECURITY, ECONOMIC
3 WELL-BEING, AND PUBLIC AND ENVIRONMENTAL HEALTH OF THIS STATE,
4 AS WELL AS CONTRIBUTING TO THE ENERGY INDEPENDENCE OF OUR
5 NATION.

6 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND
7 DECLARES THAT THE INCLUSION OF ENERGY EFFICIENCY AND RENEWABLE
8 ENERGY PRODUCTION PROJECTS FOR RESIDENTIAL AND COMMERCIAL USE
9 IN LOCAL IMPROVEMENT DISTRICTS, AND POWERS CONFERRED UNDER THIS
10 PART 6, AS WELL AS THE EXPENDITURES OF PUBLIC MONEYS MADE
11 PURSUANT TO THIS ARTICLE, WILL SERVE A VALID PUBLIC PURPOSE AND
12 THAT THE ENACTMENT OF THIS PART 6 IS EXPRESSLY DECLARED TO BE IN
13 THE PUBLIC INTEREST.

14 **SECTION 9.** 30-20-602, Colorado Revised Statutes, is amended
15 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
16 read:

17 **30-20-602. Definitions.** As used in this part 6, unless the context
18 otherwise requires:

19 (2.8) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN
20 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY
21 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND
22 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

23 (a) INSULATION IN WALLS, ROOFS, FLOORS, AND FOUNDATIONS AND
24 IN HEATING AND COOLING DISTRIBUTION SYSTEMS;

25 (b) STORM WINDOWS AND DOORS, MULTIGLAZED WINDOWS AND
26 DOORS, HEAT-ABSORBING OR HEAT-REFLECTIVE GLAZED AND COATED
27 WINDOW AND DOOR SYSTEMS, ADDITIONAL GLAZING, REDUCTIONS IN

1 GLASS AREA, AND OTHER WINDOW AND DOOR SYSTEM MODIFICATIONS
2 THAT REDUCE ENERGY CONSUMPTION;

3 (c) AUTOMATIC ENERGY CONTROL SYSTEMS;

4 (d) HEATING, VENTILATING, OR AIR CONDITIONING AND
5 DISTRIBUTION SYSTEM MODIFICATIONS OR REPLACEMENTS IN BUILDINGS
6 OR CENTRAL PLANTS;

7 (e) CAULKING AND WEATHERSTRIPPING;

8 (f) REPLACEMENT OR MODIFICATION OF LIGHTING FIXTURES TO
9 INCREASE THE ENERGY EFFICIENCY OF THE SYSTEM WITHOUT INCREASING
10 THE OVERALL ILLUMINATION OF A RESIDENTIAL OR COMMERCIAL BUILDING
11 UNLESS SUCH INCREASE IN ILLUMINATION IS NECESSARY TO CONFORM TO
12 THE APPLICABLE BUILDING CODE FOR THE PROPOSED LIGHTING SYSTEM;

13 (g) ENERGY RECOVERY SYSTEMS;

14 (h) DAYLIGHTING SYSTEMS; AND

15 (i) ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING
16 APPROVED AS A UTILITY COST-SAVINGS MEASURE BY THE BOARD.

17 (4.7) "RENEWABLE ENERGY IMPROVEMENT" MEANS A FIXTURE,
18 PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES
19 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL AND COMMERCIAL
20 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,
21 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR
22 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR
23 GEOTHERMAL SYSTEMS, AS MAY BE INCLUDED IN THE APPROVAL OF THE
24 DISTRICT BY THE BOARD; EXCEPT THAT NO RENEWABLE ENERGY
25 IMPROVEMENT SHALL BE AUTHORIZED THAT INTERFERES WITH A RIGHT
26 HELD BY A PUBLIC UTILITY UNDER A CERTIFICATE ISSUED BY THE PUBLIC
27 UTILITIES COMMISSION UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC

1 UTILITIES COMMISSION SHALL HAVE PRIMARY JURISDICTION TO
2 ADJUDICATE DISPUTES AS TO WHETHER A RENEWABLE ENERGY
3 IMPROVEMENT INTERFERES WITH SUCH A RIGHT.

4 **SECTION 10.** 30-20-603 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **30-20-603. Improvements authorized - how instituted -**
7 **conditions.** (1) (e) THE IMPROVEMENTS AUTHORIZED BY THIS PART 6
8 MAY INCLUDE, WHERE SPECIFIED OR GENERALLY PROVIDED FOR IN THE
9 RESOLUTION OF THE BOARD APPROVING THE DISTRICT, ANY RENEWABLE
10 ENERGY IMPROVEMENT OR ENERGY EFFICIENCY IMPROVEMENT TO ANY
11 RESIDENTIAL OR COMMERCIAL PROPERTY WITHIN THE DISTRICT.

12 **SECTION 11.** 30-20-603, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **30-20-603. Improvements authorized - how instituted -**
15 **conditions.** (11.5) ANY OTHER PROVISION OF THIS PART 6
16 NOTWITHSTANDING, THE BOARD MAY INITIATE AN IMPROVEMENT DISTRICT
17 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
18 IMPROVEMENTS OF A CHARACTER AUTHORIZED BY PARAGRAPH (e) OF
19 SUBSECTION (1) OF THIS SECTION. ANY SUCH DISTRICT SHALL INCLUDE
20 ONLY PROPERTY FOR WHICH THE OWNER HAS EXECUTED A CONTRACT OR
21 AGREEMENT CONSENTING TO THE INCLUSION OF SUCH PROPERTY WITHIN
22 THE DISTRICT, AND SUCH CONSENT MAY OCCUR SUBSEQUENT TO THE
23 ADOPTION OF THE RESOLUTION OF THE BOARD FORMING THE DISTRICT.
24 THE INCLUSION OF SUCH PROPERTY WITHIN THE DISTRICT SUBSEQUENT TO
25 THE ADOPTION OF THE RESOLUTION OF THE BOARD FORMING THE DISTRICT
26 MAY BE MADE BY THE ADOPTION OF A SUPPLEMENTAL OR AMENDING
27 RESOLUTION OF THE BOARD. FOR DISTRICTS FORMED FOR THE PURPOSE OF

1 ENCOURAGING, ACCOMMODATING, AND FINANCING RENEWABLE ENERGY
2 IMPROVEMENTS OR ENERGY EFFICIENCY IMPROVEMENTS, THE PROVISIONS
3 OF SUBSECTIONS (4) AND (5) OF THIS SECTION CONCERNING COMPETITIVE
4 BIDDING AND PRELIMINARY PLANS AND SPECIFICATIONS, OF SECTION
5 30-20-601 CONCERNING CONSTRUCTION UNDER THE DIRECTION OF
6 COUNTY OFFICERS, OF SECTION 30-20-622 CONCERNING CONTRACTS FOR
7 CONSTRUCTION, AND OF SECTION 30-20-623 CONCERNING CONTRACT
8 PROVISIONS SHALL NOT APPLY. FOR SUCH DISTRICTS, THE OWNER OF
9 PROPERTY WITHIN A DISTRICT MAY ARRANGE IMPROVEMENTS THAT
10 QUALIFY PURSUANT TO THE RESOLUTION OF THE BOARD AUTHORIZING
11 IMPROVEMENTS FOR THE DISTRICT AND MAY OBTAIN FINANCING FOR SAID
12 IMPROVEMENTS FROM THE DISTRICT THROUGH THE PROCESS SET FORTH IN
13 THE RESOLUTION FORMING THE DISTRICT.

14 **SECTION 12.** 30-20-604, Colorado Revised Statutes, is amended
15 BY THE ADDITION OF A NEW SUBSECTION to read:

16 **30-20-604. Cost assessed in accordance with benefits.** (4) ANY
17 DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING,
18 AND FINANCING IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603
19 (11.5) SHALL ASSESS THE COSTS OF THE IMPROVEMENTS TO EACH
20 PROPERTY WHOSE OWNER HAS ENTERED INTO A CONTRACT OR AGREEMENT
21 FOR THE IMPROVEMENTS. THE CONTRACTS AND AGREEMENTS ENTERED
22 INTO WITH THE OWNER OF PROPERTY, AS AUTHORIZED BY THE BOARD,
23 SHALL BE CONCLUSIVE REGARDING THE SPECIAL BENEFIT TO THE
24 PROPERTY AND THE AMOUNT THAT MAY BE ASSESSED AGAINST THE
25 PROPERTY.

26 **SECTION 13.** 30-20-606, Colorado Revised Statutes, is amended
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1 **30-20-606. Determination of special benefits - factors**
2 **considered.** (2) AS USED IN CONNECTION WITH ANY DISTRICT FORMED
3 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
4 IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603 (11.5), THE TERM
5 "BENEFIT" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY ACKNOWLEDGED
6 VALUE SET FORTH IN THE CONTRACTS AND AGREEMENTS ENTERED INTO BY
7 THE OWNER OF THE ASSESSED PROPERTY.

8 **SECTION 14.** 30-20-608, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **30-20-608. Notice of apportionment.** (2) ANY DISTRICT FORMED
11 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
12 IMPROVEMENTS AS AUTHORIZED IN SECTION 30-20-603 (11.5) SHALL NOT
13 BE REQUIRED TO PROVIDE A NOTICE OF APPORTIONMENT BY PUBLICATION;
14 RATHER, SUCH NOTICE, IF ANY, MAY BE PROVIDED IN THE TIME AND
15 MANNER SET FORTH IN THE CONTRACT OR AGREEMENT ENTERED INTO FOR
16 EACH PROPERTY INCLUDED IN THE DISTRICT.

17 **SECTION 15.** 30-20-610, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
19 read:

20 **30-20-610. Assessment constitutes a lien - filing with county**
21 **clerk and recorder - corrections.** (4) TO PROVIDE FOR UNANTICIPATED
22 INCREASES IN THE COSTS OF IMPROVEMENTS, THE AMOUNT OF ANY
23 ASSESSMENT IMPOSED BEFORE THE COMPLETION OF THE RELATED
24 IMPROVEMENTS MAY BE INCREASED TO A TOTAL AMOUNT NOT IN EXCESS
25 OF THE SPECIAL BENEFIT CONFERRED UPON THE AFFECTED PROPERTY IF,
26 NOT MORE THAN NINETY DAYS FOLLOWING THE COMPLETION OF SUCH
27 IMPROVEMENTS, THE BOARD GIVES NOTICE OF ITS INTENT TO CONSIDER

1 THE AMENDMENT OF SUCH ASSESSMENT, STATING THE TIME AND PLACE
2 THAT A PUBLIC HEARING SHALL BE HELD THEREON, AND HOLDS SUCH
3 PUBLIC HEARING, IN THE SAME MANNER AS PROVIDED FOR HEARINGS HELD
4 PURSUANT TO SECTIONS 30-20-608 AND 30-20-609. AT THE CONCLUSION
5 OF SUCH PUBLIC HEARING, THE BOARD MAY DETERMINE WHETHER TO
6 AMEND ONE OR MORE ASSESSMENTS WITHIN A DISTRICT. ANY SUCH
7 AMENDMENT SHALL TAKE EFFECT AS OF THE DATE OF THE ORIGINAL
8 ASSESSMENT.

9 (5) IF, AS THE RESULT OF ANY SUBDIVISION, RESUBDIVISION,
10 VACATION OF RIGHT-OF-WAY, OR OTHER ACTION TAKEN SUBSEQUENT TO
11 THE ADOPTION OF THE ASSESSMENT RESOLUTION, ANY NEW LOT OR
12 PARCEL IS CREATED WITHIN A DISTRICT, THE BOARD MAY, WITHOUT A
13 PUBLIC HEARING AND WITH THE CONSENT OF THE OWNER OF THE NEW LOT
14 OR PARCEL, MODIFY THE ASSESSMENT RESOLUTION TO REAPPORTION ALL
15 OR ANY PART OF THE TOTAL AMOUNT ASSESSED IN THE DISTRICT TO SUCH
16 NEW LOT OR PARCEL.

17 **SECTION 16.** 30-20-612, Colorado Revised Statutes, is amended
18 to read:

19 **30-20-612. When assessments payable - installments.** All
20 special assessments for local improvements shall be due and payable
21 within thirty days after the effective date of the assessing resolution
22 without demand, but all such assessments may be paid, at the election of
23 the owner, in installments with interest as provided in section 30-20-614.
24 ALL SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN
25 SECTION 30-20-603 (11.5) MAY BE DUE AND PAYABLE AT SUCH
26 ALTERNATE TIME OR TIMES AS SET FORTH IN THE ASSESSING RESOLUTION.

27 **SECTION 17.** 30-20-613, Colorado Revised Statutes, is amended

1 to read:

2 **30-20-613. Effect of payment in installments.** Failure to pay the
3 whole assessment within said period of thirty days shall be conclusively
4 considered and held to be an election on the part of all persons interested,
5 whether under disability or otherwise, to pay in such installments. All
6 persons so electing to pay in installments shall be conclusively held and
7 considered as consenting to said improvements. Such election shall be
8 conclusively held and considered as a waiver of any right to question the
9 power or jurisdiction of the county to construct the improvements, the
10 quality of the work, the regularity or sufficiency of the proceedings, the
11 validity or the correctness of the assessments, or the validity of the lien
12 thereof; EXCEPT THAT, WITH RESPECT TO LOCAL IMPROVEMENTS
13 AUTHORIZED IN SECTION 30-20-603 (11.5), THE OWNER FOR EACH
14 PROPERTY INCLUDED IN THE DISTRICT SHALL RETAIN ALL RIGHTS
15 OTHERWISE EXISTING BY CONTRACT OR BY LAW AGAINST PARTIES OTHER
16 THAN THE COUNTY WITH RESPECT TO THE FINANCED ENERGY EFFICIENCY
17 IMPROVEMENT OR RENEWABLE ENERGY IMPROVEMENT.

18 **SECTION 18.** 30-20-614, Colorado Revised Statutes, is amended
19 to read:

20 **30-20-614. How installments paid - interest.** In case of such
21 election to pay in installments, the assessments shall be payable in two or
22 more installments of principal, the first of which installments shall be
23 payable as prescribed by the board in not more than five years and the last
24 in not more than twenty years, with interest in all cases on the unpaid
25 principal. The number and amounts of payment of installments, the
26 period of payment, and the rate and times of payment of interest shall be
27 determined by the board and set forth in the assessing resolution. The

1 times of payment of installments shall be the same as the times of
2 payment for installments of property taxes as specified in section
3 39-10-104.5 (2), C.R.S.; EXCEPT THAT ALL SPECIAL ASSESSMENTS FOR
4 LOCAL IMPROVEMENTS AUTHORIZED IN SECTION 30-20-603 (11.5) MAY BE
5 PAYABLE AT SUCH ALTERNATE TIMES AS PROVIDED BY THE BOARD IN THE
6 ASSESSING RESOLUTION AND THE BOARD MAY ENTER INTO AGREEMENTS
7 WITH THIRD PARTIES TO ASSIST THE TREASURER WITH THE
8 ADMINISTRATION AND COLLECTION OF SUCH INSTALLMENTS.

9 **SECTION 19.** 30-20-619 (1) and (2), Colorado Revised Statutes,
10 are amended, and the said 30-20-619 is further amended BY THE
11 ADDITION OF A NEW SUBSECTION, to read:

12 **30-20-619. Issuing bonds - property specially benefited.**

13 (1) For the purpose of paying all or such portion of the cost of any
14 improvement constructed or acquired under the provisions of this part 6
15 as may be assessed against the property specially benefited and not paid
16 by the sales tax authorized by section 30-20-604.5 or by the county,
17 special assessment bonds of the county may be issued, of such date, in
18 such form, and on such terms, including, without limitation, provisions
19 for their sale, payment, and redemption, as may be prescribed by the
20 board, bearing the name of the street or district improved and payable in
21 a sufficient period of years after SUCH date to cover the period of payment
22 provided, and in convenient denominations. All such bonds shall be
23 issued upon estimates approved by the board, and the county treasurer
24 shall preserve a record of the same in a suitable book kept for that
25 purpose. All such bonds shall be subscribed by the ~~chairman~~ CHAIR of the
26 board, countersigned by the county treasurer, with the county seal thereto
27 affixed, and attested by the county clerk and recorder. Such bonds shall

1 be payable out of the moneys collected on account of the assessments
2 made for said improvements, FROM RESERVE ACCOUNTS, IF ANY,
3 ESTABLISHED TO SECURE THE PAYMENT OF SUCH BONDS, AND FROM ANY
4 OTHER LEGALLY AVAILABLE MONEYS. All moneys collected from such
5 assessments for any improvement shall be applied to the payment of the
6 bonds issued, until payment in full is made of all the bonds, both principal
7 and interest, OR TO FUND OR REPLENISH RESERVE ACCOUNTS, IF ANY,
8 ESTABLISHED TO SECURE THE PAYMENT OF SUCH BONDS. The bonds may
9 be sold, under such terms and conditions as are established by the board,
10 in such amounts as will be sufficient to pay for the cost of the
11 improvements.

12 (2) Whenever three-fourths of the bonds issued pursuant to
13 subsection (1) of this section for an improvement constructed under ~~the~~
14 ~~provisions of this part 6~~ have been paid and cancelled and for any reason
15 ~~the~~ ANY remaining assessments are not paid in time to pay the remaining
16 bonds for the district and the interest due thereon, the county ~~shall~~ MAY
17 pay, ~~if so provided in the resolution authorizing issuance of the bonds~~
18 FROM LEGALLY AVAILABLE MONEYS, the bonds when due and the interest
19 due thereon and ~~shall~~ MAY reimburse itself by collecting the unpaid
20 assessments due the district.

21 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 6,
22 ANY DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING,
23 ACCOMMODATING, AND FINANCING IMPROVEMENTS AS AUTHORIZED IN
24 SECTION 30-20-603 (11.5) MAY BE AUTHORIZED TO ISSUE ONE OR MORE
25 SERIES OF BONDS, AND BONDS OF ANY SUCH DISTRICT MAY BE PAYABLE
26 FROM THE ASSESSMENTS LEVIED PURSUANT TO ONE OR MORE ASSESSMENT
27 RESOLUTIONS.

1 **SECTION 20.** 31-15-711 (1), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF THE FOLLOWING NEW
3 PARAGRAPHS to read:

4 **31-15-711. Other public improvements.** (1) The governing
5 body of each municipality has the power:

6 (j) TO PROVIDE IN THE MUNICIPAL BUDGET FOR PROGRAMS THAT
7 SUPPORT EDUCATION AND OUTREACH ON ENVIRONMENTAL
8 SUSTAINABILITY AND FOR FINANCING CAPITAL IMPROVEMENTS FOR
9 ENERGY EFFICIENCY RETROFITS AND THE INSTALLATION OF RENEWABLE
10 ENERGY FIXTURES, AS DEFINED IN SECTION 30-11-107.3, FOR PRIVATE
11 RESIDENCES AND COMMERCIAL PROPERTY WITHIN THE MUNICIPALITY BUT
12 THAT DO NOT EXEMPT THE MUNICIPALITY FROM THE REQUIREMENTS OF
13 ANY OTHER STATUTE.

14 (k) TO ENCOURAGE HOMEOWNERS TO PARTICIPATE IN UTILITY
15 DEMAND-SIDE MANAGEMENT PROGRAMS WHERE APPLICABLE.

16 **SECTION 21.** Part 5 of article 25 of title 31, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19 **31-25-500.2. Legislative declaration - energy efficiency and**
20 **renewable energy production projects.** (1) THE GENERAL ASSEMBLY
21 FINDS, DETERMINES, AND DECLARES THAT:

22 (a) THE PRODUCTION AND EFFICIENT USE OF ENERGY WILL
23 CONTINUE TO PLAY A CENTRAL ROLE IN THE FUTURE OF THIS STATE AND
24 THE NATION AS A WHOLE; AND

25 (b) THE DEVELOPMENT, PRODUCTION, AND EFFICIENT USE OF
26 RENEWABLE ENERGY WILL ADVANCE THE SECURITY, ECONOMIC
27 WELL-BEING, AND PUBLIC AND ENVIRONMENTAL HEALTH OF THIS STATE,

1 AS WELL AS CONTRIBUTING TO THE ENERGY INDEPENDENCE OF OUR
2 NATION.

3 (2) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND
4 DECLARES THAT THE INCLUSION OF ENERGY EFFICIENCY AND RENEWABLE
5 ENERGY PRODUCTION PROJECTS FOR RESIDENTIAL AND COMMERCIAL USE
6 IN SPECIAL IMPROVEMENT DISTRICTS, AND POWERS CONFERRED UNDER
7 THIS PART 5, AS WELL AS THE EXPENDITURES OF PUBLIC MONEYS MADE
8 PURSUANT TO THIS PART 5, WILL SERVE A VALID PUBLIC PURPOSE AND
9 THAT THE ENACTMENT OF THIS PART 5 IS EXPRESSLY DECLARED TO BE IN
10 THE PUBLIC INTEREST.

11 **SECTION 22.** 31-25-501, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
13 read:

14 **31-25-501. Definitions.** As used in this part 5, unless the context
15 otherwise requires:

16 (1.9) "ENERGY EFFICIENCY IMPROVEMENT" MEANS AN
17 INSTALLATION OR MODIFICATION THAT IS DESIGNED TO REDUCE ENERGY
18 CONSUMPTION IN RESIDENTIAL OR COMMERCIAL BUILDINGS AND
19 INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

20 (a) INSULATION IN WALLS, ROOFS, FLOORS, AND FOUNDATIONS AND
21 IN HEATING AND COOLING DISTRIBUTION SYSTEMS;

22 (b) STORM WINDOWS AND DOORS, MULTIGLAZED WINDOWS AND
23 DOORS, HEAT-ABSORBING OR HEAT-REFLECTIVE GLAZED AND COATED
24 WINDOW AND DOOR SYSTEMS, ADDITIONAL GLAZING, REDUCTIONS IN
25 GLASS AREA, AND OTHER WINDOW AND DOOR SYSTEM MODIFICATIONS
26 THAT REDUCE ENERGY CONSUMPTION;

27 (c) AUTOMATIC ENERGY CONTROL SYSTEMS;

1 (d) HEATING, VENTILATING, OR AIR CONDITIONING AND
2 DISTRIBUTION SYSTEM MODIFICATIONS OR REPLACEMENTS IN BUILDINGS
3 OR CENTRAL PLANTS;

4 (e) CAULKING AND WEATHERSTRIPPING;

5 (f) REPLACEMENT OR MODIFICATION OF LIGHTING FIXTURES TO
6 INCREASE THE ENERGY EFFICIENCY OF THE SYSTEM WITHOUT INCREASING
7 THE OVERALL ILLUMINATION OF A RESIDENTIAL OR COMMERCIAL BUILDING
8 UNLESS SUCH INCREASE IN ILLUMINATION IS NECESSARY TO CONFORM TO
9 THE APPLICABLE BUILDING CODE FOR THE PROPOSED LIGHTING SYSTEM;

10 (g) ENERGY RECOVERY SYSTEMS;

11 (h) DAYLIGHTING SYSTEMS; AND

12 (i) ANY OTHER MODIFICATION, INSTALLATION, OR REMODELING
13 APPROVED AS A UTILITY COST-SAVINGS MEASURE BY THE GOVERNING
14 BODY; EXCEPT THAT NO RENEWABLE ENERGY IMPROVEMENT SHALL BE
15 AUTHORIZED THAT INTERFERES WITH A RIGHT HELD BY A PUBLIC UTILITY
16 UNDER A CERTIFICATE ISSUED BY THE PUBLIC UTILITIES COMMISSION
17 UNDER ARTICLE 5 OF TITLE 40, C.R.S. THE PUBLIC UTILITIES COMMISSION
18 SHALL HAVE PRIMARY JURISDICTION TO ADJUDICATE DISPUTES AS TO
19 WHETHER A RENEWABLE ENERGY IMPROVEMENT INTERFERES WITH SUCH
20 A RIGHT.

21 (4) "RENEWABLE ENERGY IMPROVEMENT" MEANS A FIXTURE,
22 PRODUCT, SYSTEM, DEVICE, OR INTERACTING GROUP OF DEVICES
23 INSTALLED BEHIND THE METER OF ANY RESIDENTIAL OR COMMERCIAL
24 BUILDING THAT PRODUCES ENERGY FROM RENEWABLE RESOURCES,
25 INCLUDING, BUT NOT LIMITED TO, PHOTOVOLTAIC SYSTEMS, SOLAR
26 THERMAL SYSTEMS, SMALL WIND SYSTEMS, BIOMASS SYSTEMS, OR
27 GEOTHERMAL SYSTEMS, AS MAY BE AUTHORIZED BY THE GOVERNING

1 BODY.

2 **SECTION 23.** 31-25-502, Colorado Revised Statutes, is amended
3 to read:

4 **31-25-502. Powers to make local improvements.** (1) A district
5 may be formed in accordance with the requirements of this part 5 for the
6 purpose of constructing, installing, or acquiring any public improvement
7 so long as the municipality that forms the district is authorized to provide
8 such improvement under the municipality's home rule charter or
9 ordinance passed pursuant to such charter, if any, or the laws of this state.
10 Public improvements shall not include any facility identified in section
11 30-20-101 (8) or (9), C.R.S.

12 (2) THE IMPROVEMENTS AUTHORIZED BY THIS PART 5 MAY
13 INCLUDE, WHERE SO SPECIFIED OR GENERALLY PROVIDED FOR IN THE
14 ORDINANCE OF THE GOVERNING BODY FORMING THE DISTRICT, ANY
15 RENEWABLE ENERGY IMPROVEMENT OR ENERGY EFFICIENCY
16 IMPROVEMENT TO ANY RESIDENTIAL OR COMMERCIAL PROPERTY WITHIN
17 THE DISTRICT.

18 (3) It is lawful for any municipality to construct any of the local
19 improvements mentioned in this part 5 and to assess the cost thereof,
20 wholly or in part, upon the property especially benefited by such
21 improvements. The improvements shall be authorized by ordinance duly
22 adopted and shall be constructed under the direction of the municipal
23 engineer or other officer having similar duties or under the direction of
24 the governing body in accordance with plans and specifications adopted
25 by the governing body; EXCEPT THAT FOR DISTRICTS FORMED FOR THE
26 PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
27 RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY

1 IMPROVEMENTS, THE OWNER OF PROPERTY WITHIN A DISTRICT MAY
2 ARRANGE IMPROVEMENTS THAT QUALIFY PURSUANT TO THE ORDINANCE
3 OF THE GOVERNING BODY AUTHORIZING IMPROVEMENTS FOR THE DISTRICT
4 AND MAY OBTAIN FINANCING FOR SAID IMPROVEMENTS FROM THE
5 DISTRICT THROUGH THE PROCESS SET FORTH IN THE ORDINANCE FORMING
6 THE DISTRICT.

7 **SECTION 24.** 31-25-503 (9), Colorado Revised Statutes, is
8 amended to read:

9 **31-25-503. What improvements may be made - conditions.**

10 (9) (a) Any other provision of this part 5 to the contrary notwithstanding,
11 the governing body may create a district for the purpose of acquiring
12 existing improvements of a character authorized by this part 5, in which
13 case, the provisions of this part 5 concerning construction of
14 improvements by the municipality, competitive bidding, and preliminary
15 plans and specifications shall not apply.

16 (b) ANY OTHER PROVISION OF THIS PART 5 NOTWITHSTANDING, THE
17 GOVERNING BODY MAY CREATE AN IMPROVEMENT DISTRICT FOR THE
18 PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
19 RENEWABLE ENERGY IMPROVEMENTS AND ENERGY EFFICIENCY
20 IMPROVEMENTS OF A CHARACTER AUTHORIZED BY SECTION 31-25-502 (2).
21 ANY SUCH DISTRICT SHALL INCLUDE ONLY PROPERTY FOR WHICH THE
22 OWNER HAS EXECUTED A CONTRACT OR AGREEMENT CONSENTING TO THE
23 INCLUSION OF SUCH PROPERTY WITHIN THE DISTRICT, AND SUCH CONSENT
24 MAY OCCUR SUBSEQUENT TO THE ADOPTION OF THE ORDINANCE OF THE
25 GOVERNING BODY FORMING THE DISTRICT. THE INCLUSION OF SUCH
26 PROPERTY WITHIN THE DISTRICT SUBSEQUENT TO THE ADOPTION OF THE
27 ORDINANCE OF THE GOVERNING BODY FORMING THE DISTRICT MAY BE

1 MADE BY THE ADOPTION OF A SUPPLEMENTAL OR AMENDING ORDINANCE
2 OR RESOLUTION OF THE GOVERNING BODY. FOR DISTRICTS FORMED FOR
3 THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
4 RENEWABLE ENERGY IMPROVEMENTS OR ENERGY EFFICIENCY
5 IMPROVEMENTS, THE PROVISIONS OF SUBSECTIONS (2) AND (3) OF THIS
6 SECTION CONCERNING PRELIMINARY ORDERS, COMPETITIVE BIDDING, AND
7 PRELIMINARY PLANS AND SPECIFICATIONS, OF SECTION 31-25-516
8 CONCERNING CONTRACTS FOR CONSTRUCTION, AND OF SECTION 31-25-518
9 CONCERNING CONTRACT PROVISIONS SHALL NOT APPLY.

10 **SECTION 25.** 31-25-507, Colorado Revised Statutes, is amended
11 BY THE ADDITION OF A NEW SUBSECTION to read:

12 **31-25-507. Determination of special benefits - factors**
13 **considered.** (2) AS USED IN CONNECTION WITH ANY DISTRICT FORMED
14 FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING, AND FINANCING
15 IMPROVEMENTS AS AUTHORIZED IN SECTION 31-25-502 (2), THE TERM
16 "BENEFIT" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY ACKNOWLEDGED
17 VALUE SET FORTH IN THE CONTRACTS AND AGREEMENTS ENTERED INTO BY
18 THE OWNER OF THE ASSESSED PROPERTY.

19 **SECTION 26.** 31-25-513, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **31-25-513. Cost assessed in accordance with benefits.** (4) ANY
22 DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING, ACCOMMODATING,
23 AND FINANCING IMPROVEMENTS AS AUTHORIZED IN SECTION 31-25-502 (2)
24 SHALL ASSESS THE COSTS OF THE IMPROVEMENTS TO EACH PROPERTY
25 WHOSE OWNER HAS ENTERED INTO A CONTRACT OR AGREEMENT FOR THE
26 IMPROVEMENTS. THE CONTRACTS AND AGREEMENTS ENTERED INTO WITH
27 THE OWNER OF PROPERTY, AS AUTHORIZED BY THE GOVERNING BODY,

1 SHALL BE CONCLUSIVE REGARDING THE SPECIAL BENEFIT TO THE
2 PROPERTY AND THE AMOUNT THAT MAY BE ASSESSED AGAINST THE
3 PROPERTY.

4 **SECTION 27.** 31-25-520, Colorado Revised Statutes, is amended
5 to read:

6 **31-25-520. Notice of hearing on assessments.** (1) The clerk
7 shall give notice that the assessment roll has been completed and of a
8 hearing on the assessment roll by publication in an issue of a newspaper
9 of general circulation in the municipality, the publication to be at least
10 fifteen days prior to the date of hearing. The same notice of the hearing
11 shall be mailed by first-class mail to each property owner to be assessed
12 for the cost of the improvements who is included within the district. The
13 mailed notice shall be made on or about the date of the publication of the
14 notice of hearing. The notices shall specify: The whole cost of the
15 improvement; the portion, if any, to be paid by such municipality; the
16 share apportioned to each lot or tract of land; that any complaints or
17 objections ~~which~~ THAT may be made in writing by the property owners or
18 any citizen to the governing body, and filed in writing on or prior to the
19 date of the hearing, will be heard and determined by the governing body
20 before the passage of any ordinance assessing the cost of said
21 improvements; and the date when and the place where such complaints
22 or objections will be heard.

23 (2) ANY DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING,
24 ACCOMMODATING, AND FINANCING IMPROVEMENTS AS AUTHORIZED IN
25 SECTION 31-25-502 (2) SHALL NOT BE REQUIRED TO PROVIDE A NOTICE OF
26 THE HEARING ON ASSESSMENTS BY PUBLICATION; RATHER, SUCH NOTICE,
27 IF ANY, MAY BE PROVIDED IN THE TIME AND MANNER SET FORTH IN THE

1 CONTRACT OR AGREEMENT ENTERED INTO BY THE OWNER FOR EACH
2 PROPERTY INCLUDED IN THE DISTRICT.

3 **SECTION 28.** 31-25-522, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
5 read:

6 **31-25-522. Assessment of a lien - filing with county clerk and**
7 **recorder - corrections.** (4) TO PROVIDE FOR UNANTICIPATED INCREASES
8 IN THE COSTS OF IMPROVEMENTS, THE AMOUNT OF ANY ASSESSMENT
9 IMPOSED BEFORE THE COMPLETION OF THE RELATED IMPROVEMENTS MAY
10 BE INCREASED TO A TOTAL AMOUNT NOT IN EXCESS OF THE SPECIAL
11 BENEFIT CONFERRED UPON THE AFFECTED PROPERTY IF, NOT MORE THAN
12 NINETY DAYS FOLLOWING THE COMPLETION OF SUCH IMPROVEMENTS, THE
13 GOVERNING BODY GIVES NOTICE OF ITS INTENT TO CONSIDER THE
14 AMENDMENT OF SUCH ASSESSMENT, STATING THE TIME AND PLACE THAT
15 A PUBLIC HEARING SHALL BE HELD THEREON, AND HOLDS SUCH PUBLIC
16 HEARING, IN THE SAME MANNER AS PROVIDED FOR HEARINGS HELD
17 PURSUANT TO SECTIONS 31-25-520 AND 31-25-521. AT THE CONCLUSION
18 OF SUCH PUBLIC HEARING, THE GOVERNING BODY MAY DETERMINE
19 WHETHER TO AMEND ONE OR MORE ASSESSMENTS WITHIN A DISTRICT.
20 ANY SUCH AMENDMENT SHALL TAKE EFFECT AS OF THE DATE OF THE
21 ORIGINAL ASSESSMENT.

22 (5) IF, AS THE RESULT OF ANY SUBDIVISION, RESUBDIVISION,
23 VACATION OF RIGHT-OF-WAY, OR OTHER ACTION TAKEN SUBSEQUENT TO
24 THE ADOPTION OF THE ASSESSMENT ORDINANCE, ANY NEW LOT OR PARCEL
25 IS CREATED WITHIN A DISTRICT, THE GOVERNING BODY MAY, WITHOUT A
26 PUBLIC HEARING AND WITH THE CONSENT OF THE OWNER OF THE NEW LOT
27 OR PARCEL, MODIFY THE ASSESSMENT ORDINANCE TO REAPPORTION ALL

1 OR ANY PART OF THE TOTAL AMOUNT ASSESSED IN THE DISTRICT TO SUCH
2 NEW LOT OR PARCEL.

3 **SECTION 29.** 31-25-524, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **31-25-524. Payment - assessment roll returned.** (4) ALL
6 SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN
7 SECTION 31-25-502 (2) MAY BE DUE AND PAYABLE AT SUCH ALTERNATE
8 TIME OR TIMES AS SET FORTH IN THE ASSESSING ORDINANCE.

9 **SECTION 30.** 31-25-526 (1), Colorado Revised Statutes, is
10 amended to read:

11 **31-25-526. Collection of assessment payments - by municipal**
12 **treasurer - by county treasurer.** (1) The governing body may, by
13 ordinance, direct the municipal treasurer to collect any amount payable
14 as an assessment pursuant to this part 5 OR AUTHORIZE THE MUNICIPAL
15 TREASURER OR OTHER APPROPRIATE MUNICIPAL OFFICIAL TO ENTER INTO
16 CONTRACTS WITH THIRD PARTIES FOR ASSISTANCE IN THE ADMINISTRATION
17 AND COLLECTION OF ASSESSMENTS. If the governing body does not direct,
18 by ordinance, that assessment payments be collected by the municipal
19 treasurer, then such payments shall be collected by the county treasurer.

20 **SECTION 31.** 31-25-527, Colorado Revised Statutes, is amended
21 to read:

22 **31-25-527. When assessments payable - installments.** All
23 special assessments for local improvements shall be due and payable
24 within thirty days after the final publication of the assessing ordinance
25 without demand; but all such assessments may be paid, at the election of
26 the owner, in installments with interest as provided in section 31-25-528.
27 ALL SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS AUTHORIZED IN

1 SECTION 31-25-502 (2) MAY BE DUE AND PAYABLE AT SUCH ALTERNATE
2 TIME OR TIMES AS SET FORTH IN THE ASSESSING ORDINANCE.

3 **SECTION 32.** 31-25-529, Colorado Revised Statutes, is amended
4 to read:

5 **31-25-529. Effect of payment in installments.** Failure to pay the
6 whole assessment within said period of thirty days shall be conclusively
7 considered to be an election on the part of all persons interested, whether
8 under disability or otherwise, to pay in installments. All persons so
9 electing to pay in installments shall be conclusively considered to have
10 consented to said improvements. Such election shall be conclusively
11 considered to be a waiver of any right to question the power or
12 jurisdiction of the municipality to construct the improvements, the quality
13 of the work, the regularity or sufficiency of the proceedings, the validity
14 or the correctness of the assessments, or the validity of the lien thereof;
15 EXCEPT THAT WITH RESPECT TO LOCAL IMPROVEMENTS AUTHORIZED IN
16 SECTION 31-25-502 (2), THE OWNER FOR EACH PROPERTY INCLUDED IN THE
17 DISTRICT SHALL RETAIN ALL RIGHTS OTHERWISE EXISTING BY CONTRACT
18 OR BY LAW AGAINST PARTIES OTHER THAN THE COUNTY WITH RESPECT TO
19 THE FINANCED ENERGY EFFICIENCY IMPROVEMENT OR RENEWABLE
20 ENERGY IMPROVEMENT.

21 **SECTION 33.** 31-25-534 (1), Colorado Revised Statutes, is
22 amended, and the said 31-25-534 is further amended BY THE
23 ADDITION OF A NEW SUBSECTION, to read:

24 **31-25-534. Issuing bonds - property specially benefited.**
25 (1) For the purpose of paying all or such portion of the cost of any
26 improvement constructed under ~~the provisions of this part 5 as may be~~
27 assessed against the property specially benefited, special assessment

1 bonds of the municipality may be issued of such date, in such form, and
2 on such terms, including, without limitation, provisions for their sale,
3 payment, and redemption, as may be prescribed by the governing body,
4 bearing the name of the street, alley, or district improved and payable in
5 a sufficient period of years after SUCH date to cover the period of payment
6 provided and in convenient denominations. All such bonds shall be
7 issued upon estimates approved by the governing body, and the municipal
8 treasurer shall preserve a record of the same in a suitable book kept for
9 that purpose. All such bonds shall be subscribed by the mayor,
10 countersigned by the municipal treasurer, with the corporate seal thereto
11 affixed, and attested by the clerk. Such bonds shall be payable out of the
12 moneys collected on account of the assessments made for said
13 improvements, FROM RESERVE ACCOUNTS, IF ANY, ESTABLISHED TO
14 SECURE PAYMENT OF SUCH BONDS, AND FROM ANY OTHER LEGALLY
15 AVAILABLE MONEYS. Whenever three-fourths of the bonds for an
16 improvement constructed under the provisions of this part 5 have been
17 paid and cancelled and for any reason ~~the~~ ANY remaining assessments are
18 not paid in time to pay the remaining bonds for the district and the interest
19 due thereon, the municipality ~~shall~~ MAY pay, ~~if so provided in the~~
20 ~~ordinance authorizing issuance of the bonds~~ FROM LEGALLY AVAILABLE
21 MONEYS, the bonds when due and the interest due thereon and reimburse
22 itself by collecting the unpaid assessments due the district. All moneys
23 collected from such assessments for any improvement shall be applied to
24 the payment of the bonds issued until payment in full is made of all the
25 bonds, both principal and interest, OR TO FUND OR REPLENISH RESERVE
26 ACCOUNTS, IF ANY, ESTABLISHED TO SECURE THE PAYMENT OF SUCH
27 BONDS. The bonds may be used in payment of the cost of the

1 improvement as specified; or the governing body, upon advertisement
2 published at least once in a newspaper of general circulation in such
3 municipality and in such other newspapers as may be designated by the
4 governing body, may sell a sufficient number of said bonds to pay such
5 cost in cash for the best bid submitted in accordance with the terms of the
6 notice of sale. All bids may be rejected at the discretion of the governing
7 body. In addition, the bonds may be sold on such terms and conditions
8 at a private sale if determined by the governing body to be in the best
9 interests of the municipality.

10 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 5,
11 ANY DISTRICT FORMED FOR THE PURPOSE OF ENCOURAGING,
12 ACCOMMODATING, AND FINANCING IMPROVEMENTS AS AUTHORIZED IN
13 SECTION 31-25-502 (2) MAY BE AUTHORIZED TO ISSUE ONE OR MORE
14 SERIES OF BONDS, AND BONDS OF ANY SUCH DISTRICT MAY BE PAYABLE
15 FROM THE ASSESSMENTS LEVIED PURSUANT TO ONE OR MORE ASSESSMENT
16 ORDINANCES.

17 **SECTION 34. Applicability.** This act shall apply to acts
18 occurring on or after the effective date of this act.

19 **SECTION 35. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.